

RECEIVED AND FILED  
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N.J. BOARD OF DENTISTRY  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE LICENSE OF

**JOHN D. ROSA, D.D.S.**  
**License # 22DI2003600**

TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY

Administrative Action

**CONSENT ORDER**

This matter was opened to the State Board of Dentistry upon the application of John D. Rosa, D.D.S. ("respondent"), seeking modification of the consent order of reinstatement of licensure entered into on April 26, 2006. According to that order, respondent's license was reinstated after having previously agreed to the voluntary surrender of his license to practice dentistry in October 2005. Respondent voluntarily surrendered his license after the Board received information indicating he used cocaine and had obtained prescription medication under false pretenses by using fictitious patient names on more than one occasion. Respondent's license was reinstated after it was

demonstrated he had completed an in-patient rehabilitation program followed by participation in weekly psychotherapy with Beth A. Canton, PhD., a neuropsychologist. Additionally, respondent enrolled in the Professional Assistance Program ("PAP"), where his recovery continues to be monitored.

Pursuant to the terms of the reinstatement order, respondent was permitted to practice for not more than twenty (20) hours per week in a private practice and not more than eight (8) hours per week in a residency program. The reinstatement order, dated April 26, 2006, allowed respondent to seek an increase in the number of hours he is permitted to practice not sooner than four months from his resumption of active practice. Respondent now seeks a modification to the restrictions concerning the work hours.

In support of his request for modification of the reinstatement order, respondent provided a letter from Louis E. Baxter, Sr., M.D., Executive Medical Director of the Professional Assistance Program. In the letter, Dr. Baxter supports an increase in respondent's work hours based on his "progressive recovery."

Based on a full review of the record, the Board has determined to modify the restrictions pertaining to respondent's work hours. Specifically, the number of hours respondent is permitted to work in private practice will be increased from twenty (20) hours per week to thirty-two (32) hours per week. However, the number of hours respondent is permitted to practice in a residency program will remain unchanged at eight (8) hours per week. All other provisions of the April 26, 2006 reinstatement order are to remain unchanged. The Board notes that while respondent is still early in his recovery, he has demonstrated a commitment to that recovery and appears to have gained genuine insight into his behavior. The Board finds the modification regarding the number of hours of

practice is warranted and that the remaining provisions of this consent order are adequate to protect the public health, safety and welfare.

IT IS, THEREFORE, ON THIS 16<sup>th</sup> DAY OF MAY, 2007,

ORDERED THAT:

1. Respondent may practice for not more than thirty-two (32) hours per week in a private practice and not more than eight (8) hours per week in a residency program. Respondent may seek to increase the number of hours he is permitted to practice under this order not sooner than six months from the entry of this order.

2. Respondent shall continue to abstain from the use of all psychoactive substances, including alcohol, unless prescribed by a treating physician for a documented medical condition with notification to the Executive Medical Director of the Professional Assistance Program of the diagnosis and prescribed medications. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse.

3. Pending further order of the Board, respondent shall continue his participation with the Professional Assistance Program and shall comply with the recommendations for treatment, including but not limited to monthly face to face contact with representatives from that program, attendance at support groups, including NA or AA at a minimum of three times per week, urine monitoring one time a week, and continued psychotherapy with Dr. Canton. If respondent discontinues participation with the Professional Assistance Program or fails to comply with the conditions imposed by the program or outlined in this consent order without obtaining approval of the Board and the Professional Assistance Program, he shall be deemed in violation of this Order.

4. The Professional Assistance Program shall submit quarterly reports to the Board regarding respondent's participation and compliance with all requirements of the PAP and this order. If respondent has a lapse or slip in his recovery or if respondent terminates treatment with his psychologist or his participation with the PAP, the PAP shall immediately notify the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 72 hours.

5. (a) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the Professional Assistance Program. Respondent shall notify the Professional Assistance Program if he will be out of the State for any reason, so that the program may make a determination regarding alternate testing.

(b) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test. Any such result shall be followed immediately by a confirming GC/MS test.

(c) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

(d) The Professional Assistance Program may, after notifying the Board, modify the frequency of testing or method of testing during the monitoring period.

6. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Respondent specifically waives any right to confidentiality regarding any information received by the Board as to respondent's treatment or participation in a monitoring program and agrees that it may be used in connection with any proceedings pertaining to his license.


7. Respondent shall not prescribe or dispense any controlled dangerous substances until further order of the Board.

8. Nothing in this order shall be deemed to preclude the Board from taking any action it deems appropriate should the Board's review of information cause it to determine that such action is warranted.

9. Respondent may apply for relief from the terms of this order not sooner than six months from its entry, except as provided in paragraph 5(d) above. At the Board's sole discretion, respondent may be required to appear prior to any modification of the terms of this order.

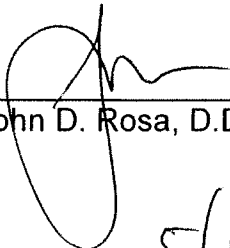
NEW JERSEY STATE BOARD OF DENTISTRY

By:

A handwritten signature in black ink, appearing to read "Peter L. DeSciscio", written over a horizontal line.

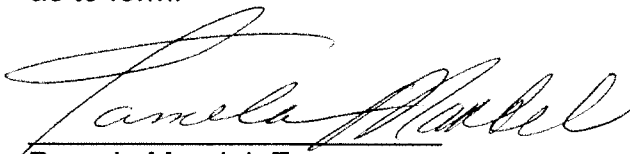
Peter L. DeSciscio, D.M.D.  
President

I have read and I understand the terms of this order and agree to be bound by it. I consent to the entry of this Order.

  
\_\_\_\_\_  
John D. Rosa, D.D.S.

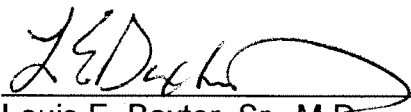
5/1/07  
Date

I consent to the entry of this order as to form.

  
\_\_\_\_\_  
Pamela Mandel, Esq.

April 24, 2007  
Date

I have the terms of this order and agree on behalf of the Professional Assistance Program to comply with its terms as pertaining to the PAP.

  
\_\_\_\_\_  
Louis E. Baxter, Sr., M.D.  
Executive Medical Director  
Professional Assistance Program

5/16/07  
Date